

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Joey Buchanan,

Case No. 3:20-cv-2842

Plaintiff

v.

Order

S&S/Superior Coach Company, Inc., et al.,

Defendants

On October 3, 2023, the parties indicated this case was settled. In response, United States Magistrate Judge Darrell A. Clay ordered the parties to submit a dismissal entry by November 2, 2023.

Plaintiff filed a notice of dismissal on November 8, 2023, seeking to dismiss this action with prejudice. (Doc. No. 20). But because Defendants have served an Answer, (Doc. No. 6), this action cannot be dismissed by Plaintiff alone. *See* Fed. R. Civ. P. 41(a). On my direction, my chambers notified counsel of this deficiency, but counsel did not respond or cure it.

In light of this, I now order that the docket be marked “settled and dismissed without prejudice.” Any subsequent order setting forth different terms and conditions relative to the settlement and dismissal of this action shall supersede this Order. The Court retains jurisdiction to vacate this Order and reopen the action upon cause shown that the settlement has not been completed and further litigation is necessary. Alternatively, the Court retains

jurisdiction to interpret or enforce, or both, the settlement agreement reached between the parties.

So ordered.

s/ Jeffrey J. Helmick
United States District Judge